

hearing and deserves to be considered by the Senate before we go out in August.

The Senator from Idaho and I could go through each of these names, well over a hundred. In every case, we are dealing with an important position and we are dealing with people whose lives have basically been held in abeyance. They do not know whether or not to move their families or to do what is necessary to prepare to serve the President. The Senator from Idaho told me of a meeting he had with people who were about ready to give up because their nominations had simply been languishing for so long. I think the Senator from Idaho said: Persevere; the Senate is going to do its work.

I might ask the Senator to recount that brief experience.

Mr. CRAIG. I thank the Senator from Arizona for mentioning that situation. I did visit with a gentleman who was slated to go to Justice, and will in time. But you know there is an image problem here. Oftentimes, or at least sometimes, the public thinks these people who serve a President and are nominated are wealthy people or people of substantial means who can do as they wish. That is not true. They come from all walks of life and all experiences. They fit the situation and/or the responsibility they are going to undertake. A lot of them are young, family people with children in school.

The question is, Are we going to be confirmed and can we bring our kids to Washington and get them into the schools here in the area because remember what happens at the end of August? Kids go back to school. I understand the other day in this city there was a breakfast of about 20 of them, trying to make up their minds whether to tough it out, wondering when the Senate might operate, or if they were going to have to pick up the phone and call the President and say: Mr. President, I am sorry; I really did want to serve you and I wanted to serve the American people, but I have to get on with my life. I have been 3 or 4 months in limbo now, and because of the risk of conflicts of interest, I cannot continue in my current job or my current capacity and I have kids to get in school this fall. I have a home I have to sell and/or a home to buy. What do I do? That is the practical, human side of this very real problem that the Senate of the United States has created.

I thank the Senator from Arizona for mentioning that.

Mr. KYL. Mr. President, let me mention one other very practical problem. The Attorney General, John Ashcroft, told me of a situation which I hope by now has been corrected. But he literally was at his farm in Missouri after he became the Attorney General and I think he was the sole executive person at the Department of Justice. An aide had to literally bring a warrant out to Missouri, fly on an airplane from Washington, DC, out to Missouri so he could sign it because he was the only one

who had the authority at that point to sign this particular document.

I believe since then we have confirmed some people who also have that authority. But the point here is we have to get the executive team in place. We have 155 people who need to be confirmed; at least about 130 of them need to be confirmed before we leave for the August recess. In the name of bipartisanship, for the good of the American people, for the sake of doing the important jobs we have outlined here before, and for the sake of filling our judiciary, I urge my colleagues to work with us to get these people to the floor and to get them confirmed before we leave for the August recess.

Mr. President, might I inquire, do I have another minute or so left? What is the time?

The PRESIDING OFFICER. The Senator is informed it is 3 o'clock, when Mr. BYRD is to be recognized.

Mr. KYL. I thank the Chair.

I conclude by urging all of my colleagues to work with us so we can get these people to the Senate floor and get them confirmed before the August recess. If we do, we will feel better about doing our job and the country will feel better because we will have served the interests of the American people.

I thank the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

#### U.S. IMMIGRATION POLICY

Mr. BYRD. Mr. President, in his delightful work "Democracy in America," Alexis de Tocqueville begins his thoughts on the origins of Anglo-Americans with these words: "The emigrants who came at different periods to occupy the territory now covered by the American Union differed from each other in many respects; their aim was not the same, and they governed themselves on different principles. These men had, however, certain features in common, and they were all placed in an analogous situation. The tie of language is, perhaps, the strongest and the most durable that can unite mankind. All the emigrants spoke the same language; they were all children of the same people."

For generations, the United States has had the good fortune to be able to draw upon not only the talents of native-born Americans but also upon the talents of foreign-born citizens. Immigrants from many nations built our railroads, worked in our factories, mined our coal, made our steel, advanced our scientific and technological capabilities, and added literature, art, poetry, and music to the fabric of American life.

Of course, many of these new Americans struggled with our language and customs when they first arrived, but they learned our language, they absorbed our constitutional principles, they abided by our laws, and they con-

tributed in a mighty way to our success as a nation.

Indeed, I believe that, particularly in the case of those who came to our shores fleeing tyranny, there has existed a unique appreciation for the freedom and opportunity available in this country, an appreciation which makes those special Americans among our most patriotic citizens.

In other words, do not go to Weirton, WV, and burn the flag. No, not in Weirton. We have at least 25 or 30 different ethnic groups in that small steel town in the Northern Panhandle.

Mr. President, the United States today is in the midst of another immigration wave—the largest since the early 1900s. According to the latest numbers from the U.S. Census Bureau, immigrants now comprise about 10 percent of the total U.S. population. That is about 28.4 million immigrants living in the United States.

During the 1990s, an average of more than 1 million immigrants—legal and illegal—settled in the United States each year. Over the next 50 years, the U.S. Census Bureau projects that the U.S. population will increase from its present 284 million to more than 400 million. Immigration is projected to contribute to two-thirds of that growth.

These are unprecedented numbers. When I was born in 1917, there were about 102 million people in this country. When I graduated from high school in 1934, there were about 130 million people in this country. And today, there are 284 million people in America. This nation has never attempted to incorporate more than 28 million newcomers at one time into its society, let alone to prepare for an additional 116 million citizens over the span of the next 50 years.

Although many of the immigrants who have entered our country over the last ten years are skilled and are adjusting quickly, others have had problems. Last year, according to the Center for Immigration Studies, 41.4 percent of established immigrants lived in or near poverty, compared to 28.8 percent of natives. The situation had completely reversed itself from 30 years before, when, in 1970, established immigrants were actually less likely than natives to have low incomes, with about 25.7 percent living in or near poverty compared with 35.1 percent of the native population.

The deterioration in the position of immigrants can be explained, in part, by a significant decline in the education of immigrants relative to natives and by the needs of the U.S. economy. In 1970, 7.1 percentage points separated the high school completion rate of established immigrants versus natives. By 2000, established immigrants were more than three times as likely as natives not to have completed high school, with 34.4 percent of established immigrants and 9.6 percent of natives lacking a high school diploma.

The less skilled the immigrants, the worse their employment prospects, the

bigger the burden on schools, and the greater the demand for social services. The National Research Council recently estimated, in December 1999, that the net fiscal cost of immigration ranges from \$11 billion to \$20.2 billion per year. That is enough money to fund the operations of the State of West Virginia for nearly 3 to 6 to 8 years.

As chairman of the Appropriations Committee and as a member of the Budget Committee, I well know of the extreme shortage of money to meet the needs of our population today. Because of the 10-year tax cut that was enacted earlier this year, I am wrestling mightily with trying to provide enough money to educate our children, meet our health care needs, provide transportation to our population, and battle crime in our streets.

And, so, Mr. President, I grow increasingly concerned when I read media reports about discussions within the administration to grant amnesty to 3 million Mexican immigrants who illegally reside in the United States.

I am very concerned that an open immigration policy only makes it more difficult to adequately meet the needs of our Nation. I have found the attempt to fund critical needs for America to be among the most frustrating challenges that I have ever undertaken. I have implored this administration to take into account these critical needs.

In many school districts overcrowding is already a major problem. As our classrooms fill to the brim, they are becoming breeding grounds for violence. Economic growth in some regions of the country, and the resulting influx of workers, has created a surge in the number of school-aged children. A less stringent immigration policy will only make this problem worse.

This country's personal and commercial highway travel continues to increase at a faster rate than highway capacity, and our highways cannot sufficiently support our current or projected travel needs. Between 1970 and 1995, passenger travel nearly doubled in the United States, and road use is expected to climb by nearly two-thirds in the next 20 years. This congestion will grow even worse as immigration traffic increases.

And, how will we provide for health care costs of these new citizens? Whether or not they arrive here legally or illegally, immigrants can receive federally funded emergency health care service. As the immigrant population continues to increase, so will health care expenditures to the Federal Government.

We also have an obligation to ensure the safety of the residents living in the United States—both native citizens and immigrants. Yet the Attorney General must soon release from jail and into our streets 3,400 immigrants who have been convicted of such crimes as rape, murder, and assault because their own countries will not take them back. We cannot protect our residents if our country is used as the dumping

ground for the criminals of other nations.

We are struggling with ways to preserve and protect our environment. But population growth only exacerbates the increasing demands on our aging water and sewer systems, and further threatens the safety of our drinking water. Our "green spaces" are diminishing as more and more homes are being built to house our growing population. We lament the loss of and the damage to our natural resources, yet we seem unable to see the connection to our loose immigration policy.

We have a weakening economy, an increasing unemployment rate, a problem with adequately educating our people, a congested transportation infrastructure, a lack of adequate health care, and an administration that certainly is not totally unsympathetic to these needs. We cannot afford to take on more. I understand the desire to help the millions of people around the world who crave the blessings of freedom that we, as Americans, enjoy. At this time in our history, I do not know how we can possibly afford to provide for additional people who may need assistance with education, health problems, and job skills.

If we invite new masses to citizenship, we have an obligation to adequately provide for them. Yet we are presently frustrated with an inability to even provide for those who have come before and those who have been born in this country.

Mr. President, an interdepartmental group formed by the White House to suggest reforms of immigration policy is expected to include the option of granting legal residency to undocumented Mexican immigrants who have been working in the United States. The report raises the possibility of these illegal immigrants ultimately becoming citizens. Such a proposal would take this Nation's immigration laws in the wrong direction.

The Immigration and Nationality Act, our primary law for regulating immigration into this country, sets out a very specific process by which immigrants may live and work in this country. To capriciously grant amnesty to 3 million immigrants who circumvented these processes, who have resided and worked in this country illegally, sends exactly the wrong message.

Such an amnesty suggests that it is possible to gain permanent residency in the United States regardless of whether you are an alien who arrived here legally or illegally.

That is the message that was sent in 1986 when President Reagan proposed a blanket amnesty to 2.7 million illegal immigrants based largely on the mere fact that they had lived in this country at least since 1982. I supported that amnesty, after accepting the arguments of the Reagan administration that such an amnesty would reduce illegal immigration when combined with tougher sanctions on employers who hire illegal aliens.

What happened instead, was that the United States sent a message to the world that illegal immigrants could gain legal status in the United States without having to go through the normal processes. Consequently, illegal immigration jumped from an estimated 5 million illegals in 1986 to somewhere between 7 million and 13 million illegals today—and these estimates do not even include the 2.7 million illegals who were granted amnesty in 1986.

So, Mr. President, we should not repeat our earlier mistakes.

If amnesty is given to a class on the basis of their having broken the law, then we are rewarding breaking the law, we are rewarding a criminal act.

This is not the message that we should send to those who would consider illegally entering this country. What is worse, such an amnesty undermines our present immigration laws and suggests that these laws mean nothing if, to those who break them, the Federal Government simply grants amnesty with a wink and a nod.

Millions of potential immigrants are waiting patiently for a chance to come to the United States legally. Why should illegal aliens have preference over these aliens who are waiting patiently? Amnesty sends the message that it is far easier and faster to become a U.S. citizen by immigrating illegally than it is to wait for legal approval.

Now, Mr. President, American citizenship should mean something. It should not be something merely handed out as a means of political expediency. It should not be something that one can achieve as some kind of squatter's right, particularly when access to the soil they claim was gained illegally.

Being an American is something to be cherished, something to be revered. Citizenship in the United States brings with it certain inalienable rights. Those who would come to our country to try to establish citizenship are often enticed by the promise of those rights.

The notion that each citizen is guaranteed certain protections is powerfully alluring. But what many fail to understand is that those rights are protected only so long as Americans are willing and able to defend them. Our populace must be constantly vigilant for those things that threaten to endanger our rights, our Constitution, and our form of Government. Such threats go well beyond military invasion. They include the preservation of ideals such as liberty and equality and justice, which can be so easily chipped away.

In order to become a citizen, most aliens are required to devote time to a study of our country and its history. They receive, at least, elementary guidance to help them appreciate the precious title of "citizen" and all that it entails. What goes all too often unspoken in this debate is that U.S. citizenship entails much more than rights. It entails responsibilities.

Our citizenry should be instilled with at least a basic understanding of the precepts that formed the foundation for this country. Lacking that, they are ill-prepared to be guardians of our future.

We Americans are justifiably proud of their history as a melting pot. If we go back far enough, we are all products of that melting pot, at least most of us. But the melting must be done in a way that ensures that these new citizens are ready to be productive, functioning Americans. We owe it not only to today's citizens but also to future citizens, including those who come to our shores expecting the opportunity for which America is so renowned.

#### PRESIDING OVER THE SENATE

Mr. BYRD. Mr. President, every class of Senators seems to have characteristics or qualities that make it distinguishable from other classes. The Senate class of 1946, for example, has been considered the "post-New Deal Republican Eightieth Congress." The Senate Class of 1958, my own class, had qualities to which I devoted an entire chapter in Volume I of my history of the United States Senate. The class of 1974 has been referred to as "Kennedy children" because of the influence that President John F. Kennedy had on so many of them, and as the "Watergate Babies" because so many of them owed their victories to the fallout from the scandals of the Nixon Administration. The Senate class of 1980 was certainly an integral part of the "Reagan Revolution."

I daresay that the Senate class of 2000 may well become known for, and distinguished by, a renewed dedication to the Senate as an institution. That is what they have brought to the Senate. I have never seen a freshmen class of Senators demonstrate more pride in understanding the rules, customs, and traditions of the Senate as has the class of 2000.

They first grabbed my attention early in this session when three of them—namely, Senators MARK DAYTON, BILL NELSON, and HILLARY CLINTON—came to me and asked for my advice not only on how the Senate works, but also what makes it work, and what they could do to make it work better.

I have seen and witnessed so much in my lifetime that few things ever impress me any more, but that did. I was impressed by their eagerness and their sincerity, and their interest, not only in their individual Senate careers, but their interest in the Senate as an institution, as well. These new Senators wanted to know how they could contribute to the Senate, how they could be good Senators in the context of being useful, of being efficient, of being Senators who develop and retain an institutional memory, how they could best serve their States in this institution.

At about that same time, our Majority Leader, Mr. DASCHLE, asked me if I

would conduct a session with new Senators to discuss some of the elemental rules that would be important to new Members, especially when they are called upon to preside.

I began meeting with these new Senators and discussing Senate rules and Senate traditions and how the Senate operates, how it should operate, how it has operated in the past. These meetings have been well attended.

Now I have enjoyed watching members of the class of 2000 preside over the Senate, and the attentiveness and the pride with which they perform this duty.

I realize that presiding over the Senate is often regarded as a chore. The limitations of the position keep it from being seen as an exciting or glamorous assignment. For example, Senators are restricted in what they can say from the Chair. Even when criticisms are directed to the Chair, the Chair is not supposed to respond. The Chair is only to respond when called upon by way of a parliamentary inquiry or to make a ruling on a point of order, or to restore order in the Senate Chamber or in the galleries.

Perhaps this is why, over the years, I have detected a tendency among some Senators not to take the position of Presiding Officer seriously. This is why, no doubt, some Senators have shied away from serving in the position, and why, when they did preside, they could be seen reading a newspaper or magazine, or reading their mail or writing out their checks—anything but paying attention to what was happening on the floor.

But I want to take this opportunity to stress that the Presiding Officer has a most important, most fundamental responsibility to the Senate and to the people of the United States. The Presiding Officer is the person who maintains the rules and the precedents of the Senate, and from these rules and precedents come the order, civility, and decorum in the Senate. In his farewell speech to the Senate, in 1805, Aaron Burr, who was Vice President, referred to the Senate Chamber as a "sanctuary." He said:

This House is a sanctuary; a citadel of law, of order, and of liberty; and it is here—it is here, in this exalted refuge; here, if anywhere, will resistance be made to the storms of political phrenzy and the silent arts of corruption; and if the Constitution be destined ever to perish by the sacrilegious hands of the demagogue or the usurper, which God avert, its expiring agonies will be witnessed on this floor.

This is the place where we, the Nation's lawmakers, come together to talk to one another, to listen to one another respectfully, to learn, and to make our best case to the best of our ability.

Order and decorum are needed so that Senators may be properly recognized, the clerk can hear and record the votes, and the people in the galleries—the people who watch silently over our shoulders—can hear the debate. As I was sitting in the chair ear-

lier today and watching the people in the galleries, I thought: Here are the silent auditors. These are the people; sovereign rests in them. They come here; they listen; they watch us; they watch over our shoulders.

And then my imagination carried me from the Atlantic to the Pacific, and I thought: Here are 284 million people represented in this body by 100 men and women. What an honor, what a responsibility, what an opportunity. Order and decorum are needed if our different political parties are to work together in the best interests of our Nation and its people.

So as we conduct our business in front of the galleries and in front of the television cameras, we must keep in mind that the American people are watching. They are watching us. They are the people who send us here. They are the people who pay our salaries. They are watching us. They are evaluating what we do and what we say, and they are pondering not only what is being said but also the way we act. They are looking over our shoulders. They are judging us.

Calling the U.S. Senate the "citadel of liberty," Senate President pro tempore-elect William King of Alabama pointed out that it is "to this body"—this body—"[that] the intelligent and virtuous, throughout our widespread country, look with confidence for an unwavering and unflinching resistance to the encroachments of power."

Think of that. The people look to us—the Senate in particular—to guard them, to guard their liberties, to guard their freedoms against the encroachments of power from an overweening Executive.

Senator King then proceeded to explain:

To insure success . . . in the discharge of our high duties, we must command the confidence and receive the support of the people. Calm deliberations, courtesy toward each other, order and decorum in debate, will go far, very far, to inspire that confidence and command that support.

Now with the televising of Senate proceedings, we are being observed by teachers, by students around the country, by judges, by coal miners, by farmers, by members of legislatures, members of city councils, observing and studying the legislative process. They are watching us. We are being observed by millions of taxpayers in the kitchens, in the living rooms. We are also being viewed by people around the world.

The U.S. Senate is the premier upper Chamber in the world today, and we ought to keep it that and be proud of it. There are over 61 nations in the world that have bicameral legislative bodies. All the others have unicameral legislatures. But the U.S. Senate and the Italian Senate are the only bicameral legislative bodies in the world today in which the upper chamber is not dominated by the lower chamber.

Furthermore, developing democracies are watching us for guidelines on